

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

ARTHUR LEE PEAVY, #876063 §
§
V. § CIVIL ACTION NO. G-03-279
§
TDCJ, ET AL. §

ORDER OF DISMISSAL

Before the Court for its Order of Acceptance is a Report and Recommendation of the United States Magistrate Judge, entered on May 1, 2006, which recommends that Plaintiff's civil rights complaint be dismissed for failure to exhaust administrative remedies. Plaintiff has filed objections to the Report and Recommendation, reiterating arguments in support of his claims and asserting that his administrative grievances appear unexhausted only because TDCJ miscalculated deadline dates for filing. This Court finds Plaintiff's objections to be unsubstantiated and without merit.

After *de novo* review pursuant to 28 U.S.C. §636 (b)(1)(C), this Court is of the opinion that the Report and Recommendation of the Magistrate Judge should be, and it is hereby, **ACCEPTED** in its entirety and incorporated by reference herein. It is the **ORDER** of this Court that this cause is **DISMISSED** with prejudice for failure to exhaust administrative remedies.

DONE at Galveston, Texas, this the 17th day of May, 2006.



Samuel B. Kent
United States District Judge